

Exhibit 2-A

FORM CD-516 LF (6-93)	U.S. DEPARTMENT OF COMMERCE	<input type="checkbox"/> NEW _____ <input type="checkbox"/> I/A: _____ MR #: _____ IP #: _____
CLASSIFICATION AND PERFORMANCE MANAGEMENT RECORD		
* Performance Plan * Performance Appraisal * Performance Recognition * Progress Review * Position Description		
Employee's Name: _____ Social Security No: _____ Position Title : <u>Patent Examiner</u> Pay Plan, Series, Grade/Step: <u>GS-1224-09 Probationary</u> Organization: 1. <u>Department of Commerce</u> 4. <u>Patent Examining Groups</u> 2. <u>Patent & Trademark Office</u> 5. <u>Technology Center</u> 3. <u>D/C for Patent Operations</u> 6. <u>Art Unit</u> Rating Period: _____ Covered By: <input type="checkbox"/> Senior Executive Service <input checked="" type="checkbox"/> General Workforce <input type="checkbox"/> Other _____		
PART A - POSITION DESCRIPTION		
POSITION CERTIFICATION: I certify that this is an accurate statement of the major duties and responsibilities of the position and its organization relationships and that the position is necessary to carry out the Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violation of such statute or their implementing regulations.		
SUPERVISOR'S SIGNATURE	DATE	SECOND LEVEL SUPERVISOR
CLASSIFICATION CERTIFICATION	OFFICIAL TITLE: _____ PP: _____ SERIES _____ FUNC: _____ GRADE _____ I/A: <input type="checkbox"/> YES <input type="checkbox"/> NO	
I certify that this position has been classified as required by Title 5, US Code, in conformance with standards published by the OPM or, if no published standards applies directly, consistently with the most applicable published standards.		
NAME AND TITLE OF CLASSIFIER	SIGNATURE	DATE
PART B - PERFORMANCE PLAN		
This plan is an accurate statement of the work that will be the basis of the employee's performance appraisal.		
NAME AND TITLE OF THE FIRST LINE SUPERVISOR/RATING OFFICIAL	SIGNATURE	DATE
APPROVAL - I agree with the certification of the position description and approving the performance plan.		
NAME AND TITLE OF APPROVING OFFICIAL OR SES APPOINTING AUTHORITY	SIGNATURE	DATE
EMPLOYEE ACKNOWLEDGEMENT - My signature acknowledges discussion of the position description and receipt of the plan, and does not necessarily signify agreement.	SIGNATURE	DATE
PRIVACY ACT STATEMENT - Disclosure of your social security number on this form is voluntary. The number is linked with your name in the official personnel records system to ensure unique identification of your records. The social security number will be used solely to ensure accurate entry of your performance rating into the automated record system.		

Instructions for Completing the Performance Management Record

A. Performance Planning. Complete Items 1, 2, and 3 of Section I by following these seven steps:

Step 1. Identify the performance elements of the employee's job (Item 1). Performance elements are brief, two or three word descriptions of the major responsibilities. (Fill out a separate Section I for each performance element.)

Step 2. Identify each element as critical or non-critical. Specify whether it is management by objective (MBO). (if so, it must be designated as critical.)

Step 3. State the objective of the element by writing a brief statement that defines what the element is intended to accomplish; focus on the overall result. An example of an objective is "To carry out organizational responsibilities by developing and implementing effective administrative procedures."

Step 4. Assign a weight to the element to show the time devoted to accomplishing the element and/or its importance. The total weight of all performance elements in the plan must equal 100.

Step 5. Identify the major activities (Item 2) or results needed to accomplish the performance element, e.g. develop an operating budget for the office, complete performance plans for all staff.

Step 6. Complete Item 3, "Criteria for Evaluation" by listing any performance standards that will be used to supplement the Generic Performance Standards (GPS) listed in Appendix A. The GPS must be used to evaluate employee performance. Supplemental standards must be included if they (a) apply to a particular element and (b) will be used to evaluate the employee's performance of the element.

Step 7. On the cover page of this form: (a) the rating official must certify as to the accuracy of the employee's position description (p.d.) and authorize the performance plan; (b) the approving official or SES appointing authority must approve the p.d. certification and the performance plan; and (c) the employee must acknowledge discussion of the p.d. and receipt of the performance plan.

B. Progress Review. At least once, near the mid-point of the appraisal period, the rating official must conduct a progress review with the employee by completing the following three steps:

Step 1. For each element in the performance plan, discuss: (a) The employee's progress toward accomplishing the element; (b) The need for any changes to the plan; and (c) any performance deficiencies noticed, along with recommendations on how to improve them.

Step 2. Complete Item 4, "Progress Review" of Section I, noting the areas discussed in step 1.

Step 3. Initial and date the appropriate block in Item 4 (for each performance element) and have the employee do the same to indicate that the progress review took place.

C. Performance Appraisal. Near the end of the appraisal period,

the employee's performance during the year must be appraised formally on the basis of the performance plan by completing the following steps:

Step 1. The rating official formally notifies the employee of the date and time for the appraisal meeting.

Step 2. The employee may participate in a pre-appraisal meeting with the rating official to present his/her assessment of his/her performance during the appraisal period.

Step 3. The rating official complete Item 5, "Element Rating and Justification," of Section I for each performance element, noting specific accomplishments resulting from the employee's performance and relating them to the appropriate rating level (5-Outstanding, 4-Commendable, 3-Fully Successful, 2-Marginal, (Minimally Successful for SES) 1-Unacceptable (Unsatisfactory for SES)). Note: Element ratings of Fully Successful do not require written documentation unless employee requests it. To assign a Fully Successful element rating, the rating official need only document that: (a) the fully successful standards were met, and; (b) that the rating was discussed with the employee.

Step 4. The rating official completes Item 1 of Section II, "Performance Summary and Rating," by transferring the appropriate rating information from each performance element to the summary sheet.

Step 5. Item 2, "Performance Rating," of Section II is completed by the rating official and signed by the approving official before the rating is discussed with the employee. NOTE: If any critical element is rated less than fully successful, the final rating can be no higher than the lowest critical element rating.

Step 6. All the information documented in Steps 3-5 above is discussed with the employee at the formal appraisal meeting and a copy of the rating is given the employee. The employee signs the form acknowledging that an appraisal meeting was held.

Step 7. The employee may comment in writing to the approving official on his/her summary rating within 5 days of receipt. The approving official must respond in writing to any comments within 10 days of receipt. If the approving official changes a rating, he/she must document the reasons in Item 5.a. of 396A. A copy of the final rating must be given to the employee.

Step 8. For SES Employees Only - The rating official completes Item 3 and submits the entire form (and any employee comments) to the appropriate Performance Review Board (PRB) for its review and recommendations. The PRB chair signs the correct block in Item 3 and forwards the recommendations and the form to the SES Appointing Authority who then assigns the final rating by completing Item 3.4. A copy of the final rating must be given to the employee.

Step 9. For general workforce employees only - The rating official completes any recommendations for performance awards in Section III, and forwards through the approving official, to the proper channels for processing the award.

FORM CD-516B LF
(REV 1-94)
DAO 202-430

U.S. Department of Commerce

APPENDIX A

GENERIC PERFORMANCE STANDARDS

INSTRUCTIONS

The generic performance standards (GPS) are the primary basis for assigning element ratings in the Department of Commerce. The GPS are to be applied to each critical (and non-critical) element in the performance plan. (Summary ratings are assigned by using a point scale after each element has been rated.)

When evaluating an element, the rater should:

- 1 Read carefully each performance standard level beginning with the fully successful one (it is considered the base level standard.)
- 2 Determine which level best describes the employee's performance on the element. (Each and every criterion in the standards does not have to be met by the employee in absolute terms for the rater to assign a particular rating level. The sum of the employee's performance of the element must, in the rater's judgment, meet the assigned level's criteria.)
- 3 Provide in writing, on the appraisal form, specific examples of accomplishments which support the assigned rating level.

Element ratings of fully successful do not require full written documentation unless the employee requests it. To assign a fully successful element rating the rating official need only document in writing that (1) the fully successful standards were met, and (2) that the rating was discussed in detail with the employee.

Occasionally, when rating some elements, a rating official may determine that an employee's performance on an element was not consistent. For example, the employee may have performed at the commendable level on several major activities within a critical element and at the marginal level on several others. In such a case, the rating official must consider the overall effect of the employee's work on the element and make a judgment as to the appropriate rating he/she will assign. The rationale for the decision must be documented on the rating form citing specific accomplishments which support the decision.

Any additional standards that are included in the performance plan must also be considered by the rating official. Such standards are included in performance plans to supplement GPS, not to supplant them. Rating officials should consider such standards within the context of the GPS and rate elements accordingly.

OUTSTANDING

SES

This is a level of rare high-quality performance. The employee has performed so well that organizational goals have been achieved that would not have been otherwise. The employee's mastery of the technical skills and thorough understanding of the mission have been fundamental to the completion of program objectives.

The employee has exerted a major positive influence on management practices, operating procedures, and program implementation, which has contributed substantially to organizational growth and recognition. Preparing for the unexpected, the employee has planned and used alternate ways of reaching goals. Difficult assignments have been handled intelligently and effectively, the employee has produced an exceptional quantity of work often ahead of established schedules and with little supervision.

In writing and speaking, the employee presents complex ideas clearly in a wide range of difficult communications situations. Desired results are attained.

GENERAL WORK FORCE

This is level of rare, high-quality performance. The quality and quantity of the employee's work substantially exceed fully successful standards and rarely leave room for improvement. The impact of the employee's work is of such significance that organizational objectives were accomplished that otherwise would not have been. The accuracy and thoroughness of the employee's work on this element are exceptionally reliable. Application of technical knowledge and skills goes beyond that expected for the position. The employee significantly improves the work processes and products for which he or she is responsible. Thoughtful adherence to procedures and formats, as well as suggestions for improvement in these areas, increase the employee's usefulness.

This person plans so that work follows the most logical and practical sequence; inefficient backtracking is avoided. He or she develops contingency plans to handle potential problems and adapts quickly to new priorities and changes in procedures and programs without losing sight of the longer-term purposes of the work. These strengths in planning and adaptability result in early or timely completion of work under all but the most extraordinary circumstances. Exceptions occur only when delays could not have been anticipated. The employee's planning skills result in cost-savings to the government.

In meeting element objectives, the employee handles interpersonal relationships with exceptional skill, anticipating and avoiding potential causes of conflict and actively promoting cooperation with clients, co-workers, and his or her supervisor.

The employee seeks additional work or special assignments related to this element at increasing levels of difficulty. The quality of such work is high and is done on time without disrupting regular work. Appropriate problems are brought to the supervisor's attention, most problems are dealt with routinely and with exceptional skill.

The employee's oral and written expression are exceptionally clear and effective. They improve cooperation among participants in the work and prevent misunderstandings. Complicated or controversial subjects are presented or explained effectively to a variety of audiences so that desired outcomes are achieved.

SUPERVISORY

The employee is a strong leader who works well with others and handle difficult situations with dignity and effectiveness. The employee encourages independence and risk-taking among subordinates, yet takes responsibility for their actions. Open to views of others, the employee promotes cooperation among peers and subordinates, while guiding, motivating, and stimulating positive responses. The employee's work performance demonstrates a strong commitment to fair treatment, equal opportunity, and the affirmative action objectives of the organization.

COMMENDABLE

SES

This is a level of unusually good performance. It has exceeded expectations in critical areas and shows sustained support of organizational goals. The employee has shown a comprehensive understanding of the objectives of the job and procedures for meeting them.

The effective planning of the employee has improved the quality of management practices, operating

procedures, task assignments, or program activities. The employee has developed or implemented workable and cost-effective approaches to meeting organizational goals.

The employee has demonstrated an ability to get the job done well in more than one way, while handling difficult and unpredictable problems. The employee produces a high quantity of work, often ahead of established schedules with less than normal supervision.

The employee writes and speaks clearly on difficult subjects to a wide range of audiences.

GENERAL WORK FORCE

This is a level of unusually good performance. The quantity and quality of work under this element are consistently above average. Work products rarely require even minor revision. Thoroughness and accuracy of work are reliable. The knowledge and skill the employee applies to this element are clearly above average, demonstrating problem-solving skill and insight into work methods and techniques. The employee follows required procedures and supervisory guidance so as to take full advantage of existing systems for accomplishing the organization's objectives.

The employee plans the work under this element so as to proceed in an efficient, orderly sequence that rarely requires backtracking and consistently leads to completion of the work by established deadlines. He or she use contingency planning to anticipate and prevent problems and delays. Exceptions occur when delays have causes outside the employee's control. Cost savings are considered in the employee's planning.

The employee works effectively on this element with co-workers, clients, as appropriate, and his or her supervisor, creating a highly successful cooperative effort. He or she seeks out additional work or special assignments that enhance accomplishment of this element and pursues them to successful conclusion without disrupting regular work. Problems which surface are dealt with; supervisory intervention to correct problems occurs rarely.

The oral and written expression applied to this element are noteworthy for their clarity and effectiveness, leading to improved understanding of the work by other employees and clients of the organization. Work products are generally given sympathetic consideration because they are well presented.

SUPERVISORY

The employee is a good leader, establishes sound working relationships and shows good judgment in dealing with subordinates, considering their views. He/she provides opportunities for staff to have a meaningful role in accomplishing organizational objectives and makes special efforts to improve each subordinate's performance.

FULLY SUCCESSFUL

SES

This is the level of good, sound performance. The employee has contributed positively to organizational goals. All critical element activities that could be completed are. The employee effectively applies technical skills and organizational knowledge to get the job done.

The employee successfully carries out regular duties while also handling any difficult special assignments. The employee plans and performs work according to organizational priorities and schedules.

The employee also works well as a team member supporting the group's efforts and showing an ability to handle a variety of interpersonal situations.

The employee communicates clearly and effectively.

All employees at this level and above have followed a management system by which work is planned, tasks are assigned, and deadlines are met.

GENERAL WORK FORCE

This is the level of good, sound performance. The quality and quantity of the employee's work under this element are those of a fully competent employee. The performance represents a level of accomplishment expected of the great majority of employees. The employee's work products fully meet the requirements of the element. Major revisions are rarely necessary; most work requires only minor revision. Tasks are completed in an accurate, thorough, and timely way. The employee's technical skills and knowledge are applied effectively to specific job tasks. In completing work assignments, he or she adheres to procedures and format requirements and follows necessary instructions from supervisors.

The employee's work planning is realistic and results in completion of work by established deadlines. Priorities are duly considered in planning and performing assigned responsibilities. Work reflects a consideration of cost to the government, when possible.

In accomplishing element objectives, the employee's interpersonal behavior toward supervisors, co-workers, and users promotes attainment of work objectives and poses no significant problems.

The employee completes special assignments so their form and content are acceptable and regular duties are not disrupted. The employee performs additional work as his/her workload permits. Routine problems associated with completing assignments are resolved with a minimum of supervision.

The employee speaks and writes clearly and effectively.

SUPERVISORY

The employee is a capable leader who works successfully with others and listens to suggestions.

The employee rewards good performance and corrects poor performance through sound use of performance appraisal systems performance-based incentives and when needed, adverse actions, and selects and assigns employees in ways that use their skills effectively.

The employee's work performance shows a commitment to fair treatment, equal opportunity, and the affirmative action objectives of the organization.

MARGINAL

SES

This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position and requires corrective action. The quality, quantity or timeliness of the employee's work is less than Fully Successful, jeopardizing attainment of the element's objective. The employee's work under this element is at a level which may result in removal from the position.

There is much in the employee's performance that is useful. However problems with quality, quantity or timeliness are too frequent or too serious to ignore. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. These deficiencies cannot be overlooked since they create adverse consequences for the organization or create burdens for other

personnel. When needed as input into another work process, the work may not be finished with such quality, quantity and timeliness that other work can proceed as planned.

Although the work products are generally of useable quality, too often they require additional work by other personnel. The work products do not consistently and/or fully meet the organization's needs. Although mistakes may be without immediate serious consequences, over time they are detrimental to the organization.

A fair amount of work is accomplished, but the quantity does not represent what is expected of Fully Successful employees. Output is not sustained consistently and/or higher levels of output usually result in decreased quality. The work generally is finished within expected timeframes but significant deadlines too often are not met.

The employee's written and oral communications usually consider the nature and complexity of the subject and the intended audience. They convey the central points of the information important to accomplishing the work. However, too often the communications are not focused, contain too much or too little information, and/or are conveyed in a tone that hinders achievement of the purpose of the communications. The listener or reader must question the employee at times to secure complete information or avoid misunderstandings.

GENERAL WORK FORCE

This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position, and requires corrective action. The quality, quantity or timeliness of the employee's work is less than Fully Successful, jeopardizing attainment of the element's objective.

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A fair amount of work is accomplished, but the quantity does not represent what is expected of Fully Successful employees. Output is not sustained consistently and/or higher levels of output usually result in decreased quality. The work generally is finished within expected timeframes but significant deadlines too often are not met.

The employee's written and oral communications usually consider the nature and complexity of the subject and the intended audience. They convey the central points of the information important to accomplishing the work. However, too often the communications are not focused, contain too much or too little information, and/or are conveyed in a tone that hinders achievement of the purpose of the communications. In communications to coworkers, the listener or reader must question the employee at times to secure complete information or avoid misunderstandings.

SUPERVISORY

Inadequacies surface in performing supervisory duties. Deficiencies in areas of supervision over an extended period of time affect adversely employee

productivity or morale or organizational effectiveness. The marginal employee does not provide strong leadership or take the appropriate initiative to improve organizational effectiveness. For example, he/she too often fails to make decisions or fulfill supervisory responsibilities in a timely manner to provide sufficient direction to subordinates on how to carry out programs, to give clear assignments and/or performance requirements, and/or to show an understanding of the goals of the organization or subordinates' roles in meeting those goals.

UNSATISFACTORY

SES

This is the level of unacceptable performance. Work products do not meet the minimum requirements of the critical element.

Most of the following deficiencies are typically, but not always, characteristic of the employee's work:

- * Little or no contribution to organizational goals;
- * Failure to meet work objectives;
- * Inattention to organizational priorities and administrative requirements;
- * Poor work habits resulting in missing deadlines, incomplete work products;
- * Strained work relationships;
- * Failure to respond to client needs; and/or
- * Lack of response to supervisor's corrective efforts.

GENERAL WORK FORCE

The quantity and quality of the employee's work under this element are not adequate for the position. The employee's work products fall short of requirements of the element. They arrive late or often require major revision because they are incomplete or inaccurate in content. The employee fails to apply adequate technical knowledge to complete the work of this element. Either the knowledge applied cannot produce the needed products, or it produces technically inadequate products or results. Lack of adherence to required procedures, instructions, and formats contributes to inadequate work products.

Because the employee's work planning lacks logic or realism, critical work remains incomplete or is unacceptably late. Lack of attention to priorities causes delays or inadequacies in essential work, the employee has concentrated on incidental matters.

The employee's behavior obstructs the successful completion of the work by lack of cooperation with clients, supervisor, and/or co-workers, or loss of credibility due to irresponsible speech or work activities.

In dealing with special projects, the employee either sacrifices essential regular work or fails to complete projects. The employee fails to adapt to changes in priorities, procedures, or program direction and therefore, cannot operate adequately in relation to changing requirements.

The oral and written expression the employee uses in accomplishing the work of this element lacks necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work.

SUPERVISORY

Most of the following deficiencies are typical, but not always, common, characteristics of the employee's work:

- * Inadequate guidance to subordinates;
- * Inattention to work progress; and
- * Failure to stimulate subordinates to meet goals.

***Supervisory standards must be applied to SES and General Work Force supervisors.**

I. Production

Art Unit

Fiscal Year: 2014

GS-1224-09 Probationary

SECTION 1 - PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD

Name

Date

Sheet No. 1 of 10**Item 1. Performance Element and Objective** (Identify as Critical or Non-critical, and if it being tracked at the department level)☒ **Critical** ☐ Non-Critical ☐ Management-by-Objectives (MBO)Element: **I. Production**

Objective To achieve assigned expectancy.

Weighting Factor: (Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100.)

Enter Weight for this element in the adjacent box:

0

Item 2. Major Activities (Identify activities or results that need to be accomplished in support of the performance element.)

The examiner examines assigned patent applications from first action to final disposition within an assigned expectancy (hours per balanced disposal (BD)).

Item 3. Criteria for Evaluation (Use generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.)

An examiner shall be assigned a rating with respect to Production as follows:

110% or above	Outstanding
103% - 109%	Commendable
95% - 102%	Fully Successful
88% - 94%	Marginal*
below 88%	Unacceptable

*Note: Continued or repetitive performance at this level adversely impacts upon the efficiency of the service under the performance Element.

All percentages shall be rounded off to the nearest whole number (i.e, 109.49% rounds to 109% and 109.50% rounds to 110%).

With respect to this element your goal in the docket to which you have been assigned is listed on the Productivity Attachment. It should be noted that if your GS position factor changes during the fiscal year your evaluation will be based on a composite goal pro-rated for the periods in each GS position factor.

The supplemental performance standards for evaluation of production are follows:

Achievement shall be recognized in terms of percentage achievement of $\frac{\text{Calculated Production Hours}}{\text{Total Examining Hours}}$.Where, Calculated Production Hours = (Balance Disposals (BD) Achieved) × (Adjusted Expectancy for the period) and;
Total Examining Hours = Total Examining Hours for the period

Optional Initial Block

Emp.

Date

Supv.

Date

I. Production

Art Unit

Fiscal Year: 2014

GS-1224-09 Probationary

SECTION 1 - PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD

Name

Date

Sheet No.

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When calculating the number of BDs achieved, the higher of the following two calculations shall be used:

Option 1) $BD = \frac{(N+D)}{2}$ where N is the number of First Actions on the Merits and D is the number of Disposals. If Option 1 is used, your goal is the "Actual Expectancy (Exp/PF)"

Option 2) $BD = \frac{(Counts)}{2}$ where the number of counts is the sum of the counts earned for actions as shown in the table below. If Option 2 is used, your goal is the "Adjusted Actual Expectancy (Exp./PF + Adj.)"

column	Action by same examiner as previous action						Initial action by different examiner than previous action		
	- Regular new, - CON, - DIV, - CIP, or - reissue, in which no RCE has been filed, and - RCEs, other than those listed in items 1-3 in the footnote below.						These values are only available if the immediately previous action is an action on the merits done by the previous examiner.		
	1st RCE: - Regular new, - CON, - DIV, - CIP, or - reissue, in which one RCE has been filed.		2nd or subsequent RCE: - Regular new, - CON, - DIV, - CIP, or - reissue, in which two or more RCEs have been filed.				- Regular new, - CON, - DIV, - CIP, or - reissue, in which no RCE has been filed.		
	Total credit available = 2.0 counts		Total credit available = 1.75 counts		Total credit available = 1.5 counts		Total credit available for new examiner = 1.5 counts		
Before Final		After Final		Before Final		After Final		Before Final	
A		B		C		D		E	
Counts:		Counts:		Counts:		Counts:		Counts:	
Express Abandonment Restriction		0.75	0.50	0.75	0.50	0.75	0.50	N/A	N/A
FAOM Non-final Rejection		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FAOM Allowance		1.25	N/A	1.00*	N/A	0.75*	N/A	N/A	1.00*
FAOM ex parte Quayle		2.00	N/A	1.75*	N/A	1.50*	N/A	1.50	1.75*
Ex parte Quayle (not FAOM)		1.50	N/A	1.25*	N/A	1.00*	N/A	1.00	1.25*
Ex parte Quayle (not FAOM)		1.50	N/A	1.25*	N/A	1.00*	N/A	1.00	1.25*
FAOM Final Rejection		0.25	0.00	0.25	0.00	0.25	0.00	1.00	1.25
Non-Final Rejection (not FAOM)		0.75	0.50	0.75	0.50	0.75	0.50	1.50	1.75
Final Rejection		0.75	0.50	0.75	0.50	0.75	0.50	N/A	N/A
Advisory Action		N/A	0.50	N/A	0.50	N/A	0.50	N/A	N/A
Allowance		0.75	0.50	0.75	0.50	0.75	0.50	1.50	1.75
Abandonment for failure to respond		0.75	0.50	0.75	0.50	0.75	0.50	N/A	N/A
RCE Disposal Credit		N/A	0.50	N/A	0.50	N/A	0.50	N/A	N/A
Examiner's Answer, Interference, SIR		0.75	0.50	0.75	0.50	0.75	0.50	1.50	1.75
Interview Summary		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rule 1.05 Request		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non-compliant and Non-responsive notices		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

* This count value applies to 1) any RCE FAOM which exceeds the ceiling control days set forth in the Docket Management element of this PAP; 2) in the first quarter of the fiscal year, the first three non-ceiling RCE FAOMs for which credit is received; and 3) in the second, third, and fourth quarters of the fiscal year, the first four non-ceiling RCE FAOMs for which credit is received.

First Actions on the Merits shall not include first action restriction requirements. However, an examiner will be assigned an appropriate amount of non-examining time for drafting all restriction requirements which do not include an action on the merits and are in compliance with current Office policy.

Optional Initial Block

Emp.	Date	Supv.	Date
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II. Quality

Art Unit

Fiscal Year: 2014

GS-1224-09 Probationary

SECTION 1 - PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD

Name

Date

Sheet No. 3 of 10

Item 1. Performance Element and Objective (Identify as Critical or Non-critical, and if it being tracked at the department level)

☒ **Critical** ☐ Non-Critical ☐ Management-by-Objectives (MBO)

Element: **II. Quality**

Objective To formulate or recommend appropriate action in the examination of patent applications.

Weighting Factor: (Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter Weight for this element in the adjacent box.)

70

Item 2. Major Activities (Identify activities or results that need to be accomplished in support of the performance element.)

With no preliminary instructions, the examiner formulates or recommends appropriate action with respect to major activities 1-6 as set forth in Table 2.

The examiner submits all Office actions in draft form.

Optional Initial Block

Emp.

Date

Supv.

Date

II. Quality

Art Unit

Fiscal Year: 2014

GS-1224-09 Probationary

SECTION 1 - PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORDName _____ Date _____ Sheet No. 4 of 10

The examiner will be assigned a rating using the criteria set forth below with respect to the major activities for which the examiner is responsible based on the work product submitted in final form which has been credited for the period under consideration.

Table 2			Evaluation Level										
Quality Major Activities	Activity Level	Error Category	GS 5	GS 7	GS 9	GS 11	GS 12	GS 13	GS 13/ 14 PSA	GS 14 FSA	GS 15		
1. checking applications for (a) compliance with formal requirements of patent statutes and rules and (b) technological accuracy	Basic	①	✓	✓	✓	✓	✓	✓	✓	✓	✓		
2. treating disclosure statements and claims of priority	Basic	①	✓	✓	✓	✓	✓	✓	✓	✓	✓		
3. analyzing disclosure and claims for compliance with 35 USC 112;	Basic	②	■	✓	✓	✓	✓	✓	✓	✓	✓		
4. planning field of search;	Basic	①		✓	✓	✓	✓	✓	✓	✓	✓		
5. conducting search;	Basic	①		✓	✓	✓	✓	✓	✓	✓	✓		
6. making proper rejections under 35 USC 102 and 103 with supporting rationale, or determining how claim(s) distinguish over the prior art;	Basic	②	■	✓	✓	✓	✓	✓	✓	✓	✓		
7. determining whether amendment introduces new matter;	Advanced	②		■	■	■	✓	✓	✓	✓	✓	✓	
8. appropriately formulating restriction requirements, where application could be restricted	Advanced	①					✓	✓	✓	✓	✓	✓	✓
9. determining whether claimed invention is in compliance with 35 USC 101;	Advanced	②	✓				✓	✓	✓	✓	✓	✓	
10. evaluating/applying case law as necessary;	Legal	*	■	■	■	■	✓	✓	✓	✓	✓		
11. determining where appropriate line of patentable distinction is maintained between applications and/or patents;	Legal	①					✓	✓	✓	✓	✓	✓	✓
12. evaluating sufficiency of affidavits/ declarations;	Legal	*					✓	✓	✓	✓	✓	✓	✓
13. evaluating sufficiency of reissue oath/declaration;	Legal	①	■	■	■	■	✓	✓	✓	✓	✓		
14. promotes compact prosecution by including all reasonable grounds of rejections, objections, and formal requirements; (M.P.E.P. 707.07(g), etc.);	Legal	①					✓	✓	✓	✓	✓	✓	✓
15. makes the record, taken as a whole, reasonably clear and complete;	Legal	①					✓	✓	✓	✓	✓	✓	✓
16. properly treats all matters of substance in applicant’s response;	Legal	①	■	■	■	■	■	■	✓	✓	✓		
17. formulates and independently signs final determinations of patentability (final rejections, allowance, examiner answers and advisory actions)	Legal	*							✓	✓	✓		
18. properly closes prosecution: makes no premature final rejection	Legal	②							✓	✓	✓		
19. properly rejects all rejectable claims in a final rejection; properly allows all claims in an allowance	Legal	③	■	■	■	■	■	■	✓	✓	✓		

*Errors for these items will be charged under another major activity.

Optional Initial Block

Emp.

Date

Supv.

Date

II. Quality

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Item 3. Criteria for Evaluation (Use generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.)

Clear error under this element will be deemed to have occurred where the examiner's office action(s) or office communication(s):

1. does not reasonably comply with the major activities set forth in table 2, and
2. could not have been permitted at the time and under the circumstances that the action was taken, and
3. is not an honest and legitimate difference of opinion as to what action should have been taken. If the action taken by the examiner is reasonable and the action preferred by the SPE is reasonable, this constitutes an honest and legitimate difference of opinion and the action taken by the examiner is free of clear error.

The examiner will be assigned a rating using the criteria set forth below with respect to the major activities for which the examiner is responsible (See Table B) based on the work product submitted in final form which has been credited for the period under consideration.

The examiner shall be assigned a rating with respect to the quality of examination in 2 categories.

Category 1 errors may be charged after several occurrences of the same error when individual mentoring and training has failed to eliminate the problem. After commission of a category 1 error the Agency may rely upon mentoring and training provided during the previous and current fiscal years.

Category 2 errors may be charged after a single occurrence.

In a single action:

- Multiple errors in a single category will be charged as one error.
- If an error can be held in more than one category, it will be charged as an error in the highest category.
- Both a Category 1 and a Category 2 error may be charged in the same action if they are unrelated.

The examiner's work product in the assigned major activities will be evaluated using the criteria as set forth below:

Outstanding – The examiner's oral and written expressions are exceptionally clear and effective. Except for rare occurrences, the work product is complete, accurate and leaves little room for improvement.

Commendable – The examiner's oral and written expressions are clear and effective. In substantially all actions, the work product is complete and accurate with little or no revision required.

Fully Successful – The examiner's oral and written expressions normally convey the examiner's position effectively. Normally the work product is complete and accurate, requiring only minor revision.

Marginal* – In a significant number of instances oral or written expressions do not effectively convey the examiner's position. In a significant number of instances the work product is incomplete or inaccurate, and requires substantial revision.

Unacceptable – Performance is not adequate for the position. In numerous instances, oral or written expressions do not effectively convey the examiner's position. In numerous instances, the work product is incomplete or inaccurate, and requires major revision.

*Note: Continued or repetitive performance at this level adversely impacts upon the efficiency of the service under this performance element.

Optional Initial Block

Emp.

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III. Docket Management

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Item 1. Performance Element and Objective (Identify as Critical or Non-critical, and if it is being tracked at the department level.)

☒ **Critical** ☐ Non-Critical ☐ Management-by-Objectives (MBO)

Element: **III. Docket Management**

Objective To conduct examining activities within prescribed timeframes.

Weighting Factor: (Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100.)
Enter Weight for this element in the adjacent box:

20

Item 2. Major Activities (Identify activities or results that need to be accomplished in support of the performance element.)

Except where the SPE, Director, or other appropriate authority has waived, excused, or directed otherwise, the examiner:

- 1) Handles all applications and proceedings awaiting action in accordance with the time period or Special handling instructions prescribed by current Office policy;
- 2) Forwards all work for processing and/or handling promptly or in accordance with prescribed time period.

See table below for specific categories and time periods:

Cat.	Component (Action Types)	Expected Average Days	Ceiling Control (Days)
1	Amendments response to non-final OA, Appeal Briefs	56	98³
2	Special New¹ e.g. PPH, Accelerated Examination, Petitions to Make Special, Track 1, PCT, Reexam, Reissues, etc.	14	28
	Special Amended e.g. PPH, Accelerated Examination, Petitions to Make Special, Board Decisions/Remands	14	28
3	New² Regular New, Continuations in Part (CIPs), Continuations, Divisionals, RCEs	28	56
4	Expedited e.g. After Finals, Responses under 37 CFR 1.312, PUBs Cases (Printer Rushes)	14	28
5	Returns (Returned by TSS & Reviewer)	14	28

¹ A "qualifying pay period" is one in which the examiner has at least 40 examining hours or the examiner's hourly production goal, whichever is greater.

² In these categories additional cases will be identified so the examiner can work ahead provided the oldest case in the component is completed in the pay period.

³ When an amendment exceeds the 98 day ceiling a -150% score (equivalent to 196 days) will be recorded for the application.

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Item 3. Criteria for Evaluation (Use generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.)

Evaluation of this element will be based on an overall document management score determined as set forth below. Based on that score, an examiner shall be assigned a rating for this element as follows:

110% or above	Outstanding
103% - 109%	Commendable
95% - 102%	Fully Successful
88% - 94%	Marginal*
below 88%	Unacceptable

*Continued or repetitive performance at this level adversely impacts upon the efficiency of the service under this performance element.

All percentages shall be rounded to the nearest whole number (i.e, 109.49% rounds to 109% and 109.50% rounds to 110%.)

However, the examiner will not be held responsible for an application that is not ready for examination.

Docket Management performance waivers will be available in the following instances:

1. ≥5 consecutive days away for short day cases**
2. Four or more contiguous weeks (28+ days) absence for reasons that would qualify under FMLA or sick leave (excludes vacations).
3. Details of 50% or more

Additional guidance on waivers can be found in the PAP Guidelines for Docket Management.

**If an examiner is away for five consecutive days or more (excluding AWOL), there will be an adjustment for After Finals, Responses under 37 CFR 1.312, PUBs Cases (Printer Rushes), Petitions/Special Programs Amendments and Corrections unless the application is already past the "Expected Average Days" requirement (set forth in table above) prior to the beginning of the days away.

Examiners planning vacations and other absences may work ahead on new case components in Category 3 of this element. If the examiner completes the oldest case as marked during the pay period the examiner may also submit other cases marked with an asterisk in the same component and receive a "0" day for those cases.

As set forth in detail in the Docket Management section of the PAP Guidelines, patent applications (cases) that exceed the ceiling control number of days will be handled through a Docket Management Plan (DMP). A DMP will be in effect and will remain in effect whenever an examiner has one or more ceiling-exceeded cases. Under a DMP, on a biweekly basis and in accordance with the PAP Guidelines, the examiner's supervisor will assign a number of ceiling-exceeded cases which must be posted for credit by the end of counting for that biweek. If a case assigned per the DMP is not posted for credit by the end of counting for that biweek, that case will count as another entry at the ceiling level towards the examiner's component and composite Docket Management scores for that biweek. Cases not posted for credit by the end of counting for that biweek will count using a varying scale as outlined in the PAP Guidelines and summarized in the table below.

Category	Reaches Ceiling	While on Ceiling Status	Charge to Score at end of PP				
			DMP - PP1 (Days)	DMP - PP2 (Days)	DMP - PP3 (Days)	DMP - PP4 (Days)	DMP >= PP5
1	98 Days	Holding - No Clock	112	112	140	154	N+14 Days
2	28 Days	Holding - No Clock	28	28	70	84	N+14 Days
3	56 Days	Holding - No Clock	56	56	98	112	N+14 Days
4	28 Days	Holding - No Clock	28	28	70	84	N+14 Days
5	28 Days	Holding - No Clock	28	28	70	84	N+14 Days

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III. Docket Management

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SECTION 1 - PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD

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Sheet No. 8 of 10**Calculating Docket Management Composite Score**

The docket management element is based on the actual average number of days between an action being placed on an examiner's docket (See "Start Date" Chart below) until posting for credit or ceiling exceeded. For all components other than category 1, a ceiling exceeded score equal to the Ceiling Control days is entered for the calculation of the actual average. For category 1, a ceiling exceeded score of 196 days is entered for calculation of the actual average.

Cat.	Component (Action Type)	Clock Start Dates
1	Amendments	Start of the bi-week after the application is placed on examiners docket.
2	Special New	A new application is added the bi-week after the previous case was completed.
	Special Amended	Date when application is placed on examiners docket except for board decisions which will start 64 days after board decision date.
3	New	A new application is added the bi-week after the previous case was completed.
4	Expedited	When application is placed on examiners docket.
5	Returns	Date returned to Examiner.

The actual average number of days for a given component (application type) is then compared to the expected average days for that component. There are 6 distinct components, with expected average days ranging from 14-days to 56-days. For each component, a score is calculated using the $\frac{((wf_0 - wf_1)/wf_0) + 1}{2} * 100$, where wf_0 represents expected average days for the component, and wf_1 represents the actual average days for the component. The component scores are weighted based on the number of actions in each component to form a contributing score for that component. The total docket management score is the sum of each of the contributing scores as illustrated in the example below:

Cat.	Component (Action Types)	Expected Average Days wf_0	Number of Cases n_o	Average Days wf_1	Component Score $\frac{((wf_0 - wf_1)/wf_0) + 1}{2} * 100$ CS_1	Contributing Score $(n_o / \text{Sum}(n_o)) * CS_1$
1	Amendments in response to non-final OA, Appeal Briefs	56	100	24	157.1%	66.9%
2	Special New e.g. PPH, Accelerated Examination, Petitions to Make Special, Track 1, PCT, Reexam, Reissues, etc.	14	12	12	114.3%	5.8%
	Special Amended e.g. PPH, Acceleration Examination, Petitions to Make Special, Board Decisions/Remarks	14	10	12	114.3%	4.9%
3	New Regular New, Continuations, Continuations in Part (CIPs), Divisionals, RCEs	28	52	14	150.0%	33.2%
4	Expedited e.g. After Finals, Responses under 37 CFR 1.312, PUBs Cases (Printer Rushes)	14	57	8	142.9%	34.7%
5	Returns (Returned by TSS & Reviewer)	14	4	8	142.9% (110%)	1.9%
			Sum(n_o)=235			
		Emp.		Date	Supv.	Date

IV. Stakeholder Interaction

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Item 1. Performance Element and Objective (Identify as Critical or Non-critical, and if it is being tracked at the department level.)

☐ Critical ☒ **Non-Critical** ☐ Management-by-Objectives (MBO)

Element: **IV. Stakeholder Interaction**

Objective: To provide appropriate service to stakeholders.

Weighting Factor: (Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100.)
Enter Weight for this element in the adjacent box:

10

Item 2. Major Activities (Identify activities or results that need to be accomplished in support of the performance element.)

1. Treat external stakeholders with courtesy and professionalism by:

- a. Returning phone calls from external stakeholders, generally in one business day.
- b. Reviewing email messages generally at least once every workday, and responding, if necessary, by any appropriate means.
- c. Providing normal schedule information via voice mail if working other than a Monday through Friday schedule.
- d. Providing voice mail notice of extended absences of three or more business days.
- e. Directing external stakeholders to appropriate office or person, in accordance with a list provided or posted by Management.
- f. Conducting all interviews and/or other contacts with external stakeholders as scheduled with adequate preparation, and in a courteous manner. Further, no interview and/or other contact is arbitrarily or capriciously refused by the examiner.
- g. Displaying proper decorum in official communications (e.g., Office action or interview summary) to external stakeholders.

2. Providing search consultation and other assistance to the public and peers.

Item 3. Criteria for Evaluation (Use generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.)

Ratings will be based on demonstrated behavior of the following criteria:

Outstanding - All major activities identified are routinely performed in a timely and courteous manner and, except for rare exceptions, the employee demonstrates all of the identified indicia.

Optional Initial Block

Emp.

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IV. Stakeholder Interaction

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Commendable - All major activities identified are routinely performed in a timely and courteous manner and the employee demonstrates all of the identified indicia in substantially all circumstances.

Indicia:

- Routinely uses interview practice to facilitate compact prosecution
- Is accessible and responsive regardless of physical location
- Provides appropriate information to address stakeholder inquiries
- Responds to internal stakeholders in a timely manner
- Responds appropriately to requests for personal interviews in a timely manner
- Is always well prepared for interviews

Fully Successful - All major activities identified are normally performed in a timely and courteous manner.

Marginal - Demonstrates some contribution to the element. However, a significant number of documented deficiencies in at least one of the major activities have been identified to the examiner.

Unacceptable - Performance is not adequate for the position, failing to meet the Marginal level. Numerous instances of documented deficiency in at least one of the major activities have been identified to the examiner.

"Business Day" - shall refer to each Monday through Friday except Federal holidays. Business hours shall run from 8:30 A.M. to 5:00 P.M. Eastern Time.

"Work Day" - is defined as a normal Monday through Friday and when the examiner is working for a substantial portion of the day. Such excludes holidays, days in which adjusted work dismissal occurs, day in which "the employees is not expected to work" (or Agency is closed), and days in which employees are excused from duty early.

Optional Initial Block

Emp.

Date

Supv.

Date

I. Production

Name:

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (support rating in space below)

5- Outstanding 4- Commendable 3- Fully Successful 2- Marginal 1- Unacceptable

Enter Rating
1-5 in adjacent
block

Item 5.a. Approving/Appointing Authority Comments and Signature (Required only if approving/appointing authority changes rating official's element rating in Item 5.)

Approving/Appointing Authority Signature

Date

II. Quality

Name:

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (support rating in space below)

5- Outstanding 4- Commendable 3- Fully Successful 2- Marginal 1- Unacceptable

Enter Rating
1-5 in adjacent
block

Item 5.a. Approving/Appointing Authority Comments and Signature (Required only if approving/appointing authority changes rating official's element rating in Item 5.)

Approving/Appointing Authority Signature

Date

III. Docket Management

Name:

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (support rating in space below)

Enter Rating
1-5 in adjacent
block

5- Outstanding 4- Commendable 3- Fully Successful 2- Marginal 1- Unacceptable

Item 5.a. Approving/Appointing Authority Comments and Signature (Required only if approving/appointing authority changes rating official's element rating in Item 5.)

Approving/Appointing Authority Signature

Date

IV. Stakeholder Interaction

Name:

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (support rating in space below)

5- Outstanding 4- Commendable 3- Fully Successful 2- Marginal 1- Unacceptable

Enter Rating
1-5 in adjacent
block

Item 5.a. Approving/Appointing Authority Comments and Signature (Required only if approving/appointing authority changes rating official's element rating in Item 5.)

Approving/Appointing Authority Signature

Date

SECTION II - PERFORMANCE SUMMARY AND RATING

Name: _____

ITEM 1. Instructions

1. List each element in the performance plan; indicate whether it is critical/non-critical and what weight has been assigned to it.
2. Assign a rating level for each element: (5) Outstanding (4) Commendable (3) Fully Successful (2) Marginal/Minimally Satisfactory (1) Unacceptable/Unsatisfactory (SES)
3. Score each element by multiplying the weight by the rating level.
4. After each element has been scored, compute the total score by summing all individual scores. Total score can range from 100 to 500.

Performance Element	Critical or Non-critical (C or NC)	MBO	Individual Weights (Sum must total 100)	Element Rating (1-5)	Score
I. Production	C		0%	0	0
II. Quality	C		70%	0	0
III. Docket Management	C		20%	0	0
IV. Stakeholder Interaction	NC		10%	0	0
			100%	TOTAL SCORE	0

For SES: Turn to reverse side and continue with item 3.

ITEM 2. PERFORMANCE RATING(Based on total score *except that if any critical element is less than fully successful the rating can be no higher than the lowest critical element rating*)☐ Outstanding (460-500)☐ Commendable (380-459)☐ Fully Successful (290-379)☐ Marginal (200-289)☐ Unacceptable (100-199)

Rating Official's Signature	Title	Date:
Approving Official's Signature	Title	Date:
Employee's Signature (Indicates appraisal meeting held)	Employee Comments Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:

Section III. - PERFORMANCE RECOGNITION (General Workforce only)

☐ Performance Award: \$ _____ (_____ %) For performance awards: Has employee been promoted during the appraisal cycle? ☐ Yes ☐ No

☐ QSI (Outstanding rating required)

Appropriation No: _____

Rating Official's Signature	Title	Date:
Approving Official's Signature	Title	Date:
Final Approving Authority's Signature		Date:
Payment Authorized by Personnel Office		Date:

Form CD-516 (REV. 1-94)

Position Description – GS-9**Introduction:**

This position is located in the Office of the Commissioner for Patents, Patent Operations.

Major Duties and Responsibilities:

The employee performs assignments of average difficulty in the assigned area of technology relative to the patent examining function requiring the application of fundamental principles, concepts, techniques, and guidelines relative to patent examining.

Independently performs “Basic” patent examining functions (e.g., planning and conducting the search, applying references to the patent application, etc.) with no preliminary instructions from supervisor. References used to determine whether or not the claimed invention is new and patentable are presented for detailed review. All Patent Office actions are submitted to supervisor in draft form for close review. Searches completed by the employee are not normally repeated supervisor during this review.

May perform “Advanced” patent examining functions (e.g., the evaluation of special claim constructions, the requirement of restrictions, the recognition and development of probable interferences, etc.) only after obtaining preliminary instructions from the supervisor and all determinations involving such functions are subject to close review.

Evaluation Factors:**Factor 1 – Nature and Extent of Performance of Examining Functions**

The employee performs Basic examining functions without preliminary instructions from the supervisor. References relied upon for decisions by the employee, however, are reviewed in detail by the supervisor or senior Patent Examiner. Searches completed by the incumbents are not ordinarily repeated by the supervisors during the review. All Patent Office actions are closely reviewed in draft form.

Factor 2 – Contact and Commitment Activity:

N/A

Factor 3 – Technology Complexity of Art

N/A

Other Significant Facts:

The duties and responsibilities of this position require a bachelor’s degree in a professional or scientific occupation as defined by the Patent Examining Series, GS-1224 and approved by the Office of Personnel Management.

The duties and responsibilities of this position also require the following:

- Knowledge of basic and/or standard engineering, scientific, and/or real world processes, principles, concepts, and methodologies that are used in the patent examination process; and
- Ability to apply fundamental and diversified engineering, scientific, and/or real world processes, concepts, theories, and practices; and achieve objectives, versatility, judgment, and perception.

FLSA Status:

Exempt

Position Sensitivity:

Moderate Risk – Non-ADP (5N)

PD 40-03--
GS-1224-9

FACTOR I, Nature and Extent of Performance of Examining Functions:

Incumbent independently performs "Basic" patent examining functions (e.g., planning and conducting the search, applying references to the claimed invention, etc.) with no preliminary instructions from the supervisor. References used to determine whether or not the claimed invention is new and patentable are presented for detailed review. All Patent Office actions are submitted to the supervisor in draft form for close detail, although searches completed by the incumbent are not normally repeated by the supervisor during this review.

Incumbent may perform "Advanced" patent examining functions (e.g., the evaluation of special claim constructions, the requirement of restrictions, the recognition and development of probable interferences, etc.) only after obtaining preliminary instruction from the supervisor and all determinations involving such functions are subject to close review.

FACTOR II, Contact and Commitment Authority:

Incumbent has no commitment authority.

FACTOR III, Technological Complexity of Art:

Assignments normally involve responsibility for technological problems which can be solved by the proper application of the fundamental knowledge and techniques of the specialized art.

FACTOR LEVELS AND POINTS CREDITED:

Factor 1:	Level: <u> D </u> ;	Points: <u> 20 </u>
Factor 2:	Level: <u> </u> ;	Points: <u> </u>
Factor 3:	Level: <u> </u> ;	Points: <u> </u>

Total Points:	<u> 20 </u>
Grade:	<u> 9 </u>

**EVALUATION STATEMENT
PATENT EXAMINER**

Position Title: Patent Examiner
Position Grade: GS-09

Position Series: 1224

Evaluation Factors		Points Assigned	Level	Comments
I. Nature and Extent of Performance of Examining Functions		20	D	
II. Contact and Commitment Authority		-	N/A	
III. Technology Complexity of Art		-	N/A	
S U M M A R Y	Total Points	20		
	Grade Conversion	GS-09		

Standard(s) Used:

Patent Examining Series, GS-1224 TS-24 April 1960, TS-19 August 1974

USPTO

Patent Examiner
GS-1224-09

MR#: 4003--

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Probationary Addendum

All newly hired examiners having no prior patent examining experience will be evaluated under Element II as follows:

During the first six months:

All examiners are evaluated with respect to:

Major Activities - After receiving specific and detailed preliminary instructions, the examiner performs patent examining functions of a simple nature, assigned primarily for training purposes. The assigned functions may include, by way of example, those of: checking applications for (a) compliance with formal requirements and (b) technological accuracy; treating disclosure statements and claims of priority; and conducting searches.

Criteria for Evaluation - The examiner is evaluated under the generic performance standards with respect to his or her ability to (1) learn and independently perform the assigned functions and (2) accept instruction and incorporate feedback with respect to the performance of these functions.

During the second six months:

Examiners paid at the GS-5 level will be evaluated under the same provisions as for the first six months.

Examiners paid at the GS-7 level and above will be evaluated with respect to:

Major Activities - After receiving preliminary instructions, the examiner performs the following patent examining functions and formulates or recommends appropriate action with respect to each: (1) checking applications for (a) compliance with formal requirements and (b) technological accuracy; (2) treating disclosure statements and claims of priority; (3) analyzing disclosure and claims for compliance with 35 U.S.C. 112; (4) planning field of search; (5) conducting search; (6) formulating rejections under 35 U.S.C. 102 and 103 with supporting rationale, or determining how claim(s) distinguish over the prior art.

Criteria for Evaluation - The examiner is evaluated under the generic qualitative performance standards with respect to his or her ability to (1) learn and independently perform the assigned functions and (2) accept instruction and incorporate feedback with respect to the performance of these functions.

After twelve months:

All examiners will be evaluated with respect to their actual GS level for all assigned functions.

All newly hired examiners having prior patent examining experience will be evaluated under Element I as follows: for performance rating purposes Element I will not apply during the first calendar year.